

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
REGULAR MEETING
JANUARY 21, 2003
6:30 P.M.**

The Brunswick County Board of Commissioners met in Regular Session on the above date at 6:30 p.m., Commissioners' Chambers, Public Assembly Building, County Government Center, Bolivia, North Carolina.

PRESENT: Commissioner David Sandifer, Chairman
Commissioner Phil Norris, Vice-Chairman
Commissioner May Moore
Commissioner Tom B. Rabon, Sr.
Commissioner William M. Sue

STAFF: Marty K. Lawing, County Manager
Steve Stone, Assistant County Manager
Huey Marshall, County Attorney
Debby Gore, Clerk to the Board
Margie Stephenson, Deputy Clerk
Lithia E. Brooks, Fiscal Operations Director

ABSENT: Mark Seagle, Assistant County Attorney

I. CALL TO ORDER

Chairman Sandifer called the meeting to order at 6:30 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE

Commissioner Sue gave the Invocation and led the Pledge of Allegiance.

III. ADJUSTMENTS/APPROVAL OF AGENDA

Chairman Sandifer asked if there were any adjustments to the agenda. There were no adjustments.

Commissioner Moore moved to approve the agenda as written. The vote of approval was unanimous.

IV. PUBLIC COMMENTS

Chairman Sandifer asked if there was anyone in the audience who wished to speak regarding any item on the agenda or any matter that was not included in the agenda. The following citizens addressed the Board:

Attorney Grover Gore of Southport addressed the Board with concerns regarding access to the Courthouse stating that Judges and Courthouse full-time and part-time employees, who are paid by the State, enter with a key and do not have to enter through security at the front door. All

other taxpayers, lawyers and their assistants have to enter through security. Mr. Gore noted that the Courthouse is owned by the taxpayers of Brunswick County, yet the County does not benefit from any monies collected by the Courts. Mr. Gore stated that Courthouse Staff should enter through security and asked the Board and County Manager to take control of the Courthouse and treat everyone the same.

V. APPROVAL OF CONSENT AGENDA

Commissioner Sue moved to approve the Consent Agenda. The vote of approval was unanimous. The following items were approved:

A. Minutes

1. January 6, 2003 Public Hearing Minutes 6:00 p.m.
2. January 6, 2003 Public Hearing Minutes 6:15 p.m.
3. January 6, 2003 Regular Meeting Minutes

B. Tax Matters (Exhibit Book 33, Attachments# 1-#4)

1. Approval of Tax Releases for January 2003
2. Approval of Fire Fee Releases for January 2003
3. Approval of September 2002 Motor Vehicle Valuation & Levy
4. Approval of 2002 Valuation and Levy for Brunswick County and 2002 Valuations and Levies for Municipalities and Sanitary District and charge the Tax Collector with collecting the Levies.

C. Finance (Exhibit Book 33, Attachment #5)

We are in receipt of the following FY 2002-2003 budget amendment requests:

1) Register of Deeds

\$393,000 Increase

Register of Deeds Fee Revenue

This amendment represents a request from the Register of Deeds to increase the appropriation for estimated revenue to be collected for Excise tax, Recording Fees and other fees for the State of North Carolina's portion of these revenues. A portion of this revenue has already been collected, with the remainder anticipated to be collected before June 30, 2003. The Register of Deeds is responsible for the collection of this portion of revenue that by statute belongs to the State of North Carolina. The County is responsible for budgeting and accounting for this revenue in the same manner as it does all other revenue.

2) Engineering

\$ 1,290 Increase

Stormwater Permit Fee Revenue

This amendment represents a request from the Director of Engineering Services to procure a new personal computer for the stormwater inspector. We understand that this new computer will be installed on the network to allow access to the Central Permitting software as well as have the AutoCAD software installed on it that was approved in the FY 2002-2003 budget. This County revenue has already been received for stormwater permits, and is available for appropriation. County funds in the amount of \$1,290 are involved.

3) Employee Adjustments & Fringe Benefits

\$117,852 Increase

Settlement Revenue for the outstanding GRIT claims

This amendment represents an increase in revenue pursuant to a check received for a settlement on the GRIT claims issue. This revenue has been allocated towards the County's agreement with the individual worker's comp claims settled to date. As you will recall, GRIT was the County's prior carrier for worker's compensation insurance. County funds are not involved.

4) Sheriff's Department

\$ 28,567 Increase Federal Revenues

This amendment represents an approved Local Law Enforcement Block Grant (LLEBG) the Sheriff's department has been awarded. This grant requires a 10% local match of which the Sheriff has located in his existing budget. These grant funds will be used to procure secondary shoulder weapons for enforcement personnel. County funds are not involved.

5) Emergency Management

\$ 3,894 Increase State Revenue

The amendment represents the amount received over budget for the Performance Grant administered by the Emergency Management department. At the request of the department, this excess revenue will be used for miscellaneous needs of the department. County funds are not involved.

6) Family & Youth Inc.

\$ 3,664 Decrease State Revenue

We have received notification of a reduction in the Office of Juvenile Justice grant for Family & Youth Inc. services. Our understanding is Family & Youth Inc. has made adjustments accordingly for this reduction in State funding. County funds are not involved.

7) Health - Personnel Division and Family Planning

\$ 2,330 Decrease State Revenue - Restricted

The amendment represents the final budget adjustment to bring the County budget to be in balance with the State budget. County funds are not involved.

8) Health - Immunization Program

\$ 2,193 Increase State Aid - Restricted and other revenues

The amendment represents additional State funds that will be used for administering the school-site immunization program. Also included in this amendment are revenues that have been collected in excess of the current budget that will be used to offset current expense regarding the procurement of flu vaccine for children. County funds are not involved.

9) Health - Adult Health Program

\$ 15,629 Increase Fees collected for flu and pneumonia shots

The Health department has requested to amend for the above referenced revenue received for the flu and pneumonia shots given to adults. This revenue was collected in excess of the current budget, and will be used to offset the expense already incurred for excess flu and pneumonia shots. This revenue is not restricted and is County funds.

10) East/West Regional Wastewater Capital Project Ordinance

\$31,405 Increase General Fund Balance

This amendment represents boundary surveying costs associated with the land pertaining to the west regional wastewater plant. This cost will be recovered from the financing proceeds for this project later this calendar year. County funds in the amount of \$31,405 are involved.

11) County Attorney

\$13,555 Increase

General Fund Balance

This amendment represents the County's portion of attorney fees for the mediated settlement pertaining to litigation related to South Brunswick Water & Sewer Authority. County funds in the amount of \$13,555 are involved.

12) Sewer Fund

\$52,837 Increase

General Fund Balance

The amendment represents the amount the Board discussed and authorized at its January 13, 2003 recessed meeting pertaining to the County's wastewater system located at the Government Center. County funds in the amount of \$52,837 are involved.

We request the Board's concurrence to amend the FY 2002-2003 Budget Ordinance and the East/West Regional Wastewater Capital Project Ordinance accordingly.

D. **Planning/Central Permitting (Exhibit Book 33, Attachment #6)**

1. Request approval to waive Building Permit fees for non-profit Habitat for Humanity.

VI. PRESENTATION

1. **Cooperative Extension (Mary Earp) (Exhibit Book 33, Attachment #7)**

Ms. Mary Earp, Chairman of the Voluntary Agricultural Districts Board presented the Annual Status Report for the Voluntary Agricultural Districts Program in Brunswick County.

VII. ADMINISTRATIVE REPORT

1. **Northeast Brunswick Regional Wastewater Treatment Facility - Change Order #1 – Harris Electric – (Jeff Phillips)**

Staff recommends that the Board of Commissioners consider approving Change Order #1 with Harris Electric Company of Wilmington for the Northeast Brunswick Regional Wastewater Treatment Facility in the amount of \$8,520.00.

Mr. Jeff Phillips, Engineering Director, explained the Change Order with Harris Electric Company and noted that the date of the 90-day extension should reflect April 29, 2003 rather than February 26, 2003.

Commissioner Sue moved to approve Change Order #1 for Harris Electric in the amount of \$8,520.00. The vote of approval was unanimous. **(Exhibit Book 33, Attachment #8)**

2. **Northeast Brunswick Regional Wastewater Treatment Facility - Change Order #3 – T.A. Loving Company – (Jeff Phillips)**

Staff recommends that the Board of Commissioners consider approving Change Order #3 with T.A. Loving Company for the Northeast Brunswick Regional Wastewater Treatment Facility in the amount of \$77,984.95.

Mr. Jeff Phillips explained Change Order #3 with T.A. Loving Company and noted that the 90-day extension should reflect April 29, 2003 rather than February 26, 2003.

Commissioner Sue moved to approve Change Order #3 for T.A. Loving Company in the amount of \$77,984.95. The vote of approval was unanimous. **(Exhibit Book 33, Attachment #9)**

3. Operation Services – White Goods/Scrap Metal Contract – (Stephanie Rumley)

Staff recommends that the Board of Commissioners consider awarding a contract to State Line Scrap Metal, Inc. for removal of white goods and scrap metal from the County Landfill.

Stephanie Rumley, Recycling Coordinator, explained that this contract would allow the County to start receiving funds for White Goods and Metal which hasn't been done for quite a few years. There was discussion regarding the pay schedule that was not included in the contract.

Commissioner Moore moved to approve the Contract with State Line Scrap Metal, Inc. as amended to include a 60-day turnaround for payment. The vote of approval was unanimous. **(Exhibit Book 33, Attachment #10)**

4. Emergency Services – Relocation of Antenna Site/Tower Installation – (Randy Thompson)

Staff recommends that the Board of Commissioners consider the relocation of emergency communications antenna site to the County's Highway 211 Water Treatment Plant site and consider approving a lease agreement with LEC Services for the construction of a 300' non-guyed tower for a total lease cost of \$89,275.00.

Commissioner Sue moved to approve the relocation of the antenna site to the Highway 211 Water Treatment Plant site and the lease agreement with LEC services for the construction of a 300' non-guyed tower for a total lease cost of \$89,275.00. The vote of approval was unanimous. **(Exhibit Book 33, Attachment #11)**

5. Emergency Services – Antenna Co-location Agreements – (Randy Thompson)

Staff recommends that the Board of Commissioners consider approving antenna co-location agreements with the Town of Holden Beach, Town of Ocean Isle Beach, City of Southport and the Town of Sunset Beach to locate antenna associated with the new communications system on water tanks owned by each municipality.

Commissioner Sue moved to approve the Co-location Agreements with the Towns of Holden Beach, Ocean Isle, Sunset Beach and City of Southport. The vote of approval was unanimous. **(Exhibit Book 33, Attachment #12)**

6. Architect New Detention Facility/Law Enforcement Center – (Marty Lawing)

Staff recommends that the Board of Commissioners consider approving the proposal and architectural agreement with Hemphill Associates to design the County Detention Facility/Law Enforcement Center and the associated Project Ordinance.

The County Manager explained the proposal and agreement and stated that the \$477,500.00 did not include a five percent contingency in the amount of \$23,875 for project budget purposes and that Hemphill has provided an option for full-time construction service during the estimated 14 month construction phase of an additional \$72,500.00. The County Attorney recommended to remove arbitration language and to specify soil testing and suitability studies.

Commissioner Moore moved to approve the Proposal and Architectural Agreement with Hemphill Associates to design the County Detention Facility/Law Enforcement Center and the associated Capital Project Ordinance not to exceed \$477,500.00 with the amendment recommended by the County Attorney. The vote of approval was unanimous.

(Exhibit Book 33, Attachment #13)

7. **Finance – Quarter Ending December 31, 2002 Financial Report – (*Lithia Brooks*).....**
Staff recommends that the Board of Commissioners consider receiving the quarter ending December 31, 2002 Financial Report.

The Fiscal Operations Director gave the December 31, 2002 Financial Report.

(Exhibit Book 33, Attachment #14)

8. **FY 2002-2003 Goals & Objectives – Second Quarter Report – (*Marty Lawing*)**

Staff recommends that the Board of Commissioners consider receiving the second quarter report for the 2002-2003 Goals & Objectives.

The County Manager gave an update on the FY 2002-2003 Goals and Objectives.

(Exhibit Book 33, Attachment #15)

VIII. BOARD APPOINTMENTS

1. **Marine Fisheries Advisory Board** (1 appointment, District 5)

Commissioner Sue moved to table the appointment. The vote of approval was unanimous.

2. **Nursing Home and Adult Care Advisory Board** (2 appointments, Districts 4 & 5)

Commissioner Rabon nominated Joseph Butler. Chairman Sandifer moved to close the nominations. The vote of approval was unanimous. Chairman Sandifer moved to approve the appointment of Joseph Butler. The vote of approval was unanimous.

Joseph Butler will fill the term of John Bellamy (resigned). Mr. Butler will serve an initial one-year term that will expire February 1, 2004.

Commissioner Sue moved to table the District 5 appointment. The vote of approval was unanimous.

IX. COUNTY ATTORNEY'S REPORT

1. **Animal Services (*Huey Marshall*)**

To consider new reduced adoption rates for Bonafide Rescue Groups providing proof of spaying/neutering before animals are adopted.

Vice-Chairman Norris moved to change the adoption fees only to Bonafide Rescue Groups. The vote of approval was unanimous. (Exhibit Book 33, Attachment #16)

2. **Resolution (*Huey Marshall*)**

To consider adoption of a Resolution to North Carolina General Assembly and North Carolina Wildlife Resources Commission to exempt Brunswick County from the prohibition of gill netting.

Commissioner Rabon moved to approve the Resolution to Seek Relief in Fishing Ban in Brunswick County and to forward the Resolution to the Wildlife Resources Commissioner, North Carolina General Assembly as well as local Delegates. The vote of approval was unanimous.

RESOLUTION TO SEEK RELIEF IN FISHING BAN IN BRUNSWICK COUNTY

Whereas, the evidence before the County Commissioners at this regularly scheduled meeting does not express a scientific or contemplative solution to a shortage of fish and herring, and, the State Wildlife Resources Commission has now declared it unlawful to use gill nets in such streams as Town Creek and the like, whereas the Marine Resources Commission has not enacted such a prohibition, and

Whereas, the fresh waters of the County have been traditionally fished and many kinds and sizes of fish, especially herring, and have sustained the bounty of the streams and waters, and, the taking of herring and other anadromous fish is a long treasured tradition among the residents of Brunswick County, and

Whereas, the Commissioners are entrusted to act in the best interest of the County's citizens who still seek the privilege of netting.

Now therefore, the Brunswick County Commissioners are hereby resolved to seek the assistance of the North Carolina General Assembly and the North Carolina Wildlife Resources Commission to adjust the prohibition against gill netting within inland waters in Brunswick County, and if necessary, to exempt Brunswick County from the prohibition of gill netting in inland waters within Brunswick County.

Be it further resolved, that a copy of this Resolution be forwarded to the Wildlife Resources Commission and the legislative delegation of Brunswick County to the General Assembly of North Carolina.

This the 21st day of January, 2003.

s/David R. Sandifer, Chair
Brunswick County Commissioners

Attest:

s/Deborah S. (Debby) Gore, Clerk to the Board

3. Closed Session

7:40 p.m. Commissioner Sue moved to enter Closed Session pursuant to N.C.G.S. 143-318.10 (a) (3), pending and potential litigation. The vote of approval was unanimous.

Recess –Chairman Sandifer called a five-minute recess.

Reconvened - 8:40 p.m.

Chairman Sandifer called the Open Session back to order and announced that no action was taken in Closed Session.

X. OTHER BUSINESS/INFORMAL DISCUSSION

Commissioner Sue moved to authorize the County Attorney to proceed to dispose of the lot in Boiling Springs Lake. The vote of approval was unanimous.

Commissioner Sue moved to authorize the County Attorney to collect unpaid availability fees as of December 19, 2002. The vote of approval was unanimous.

The Board discussed potential members of the Long Range Planning Committee and the necessary qualifications for this Committee.

The Board discussed access to the Courthouse pertaining to conversation during Public Comments by Mr. Grover Gore.

Vice-Chairman Norris moved to rescind the previous action for purchase of the card reading system and to compel everyone to walk through the Security System. The vote of approval was four ayes (Norris, Sue, Sandifer and Rabon) 1 nay (Moore).

The County Attorney asked, for clarification, did the motion state that everybody goes through the front door? Vice-Chairman Norris answered yes.

The Board gave direction to the County Manager to collect keys, change the locks.

Commissioner Rabon moved to make Vice-Chairman Norris' motion effective Monday, January 27, 2003. The vote of approval was unanimous.

XI. ADJOURNMENT

Commissioner Sue moved to adjourn the Regular Meeting at 9:22 p.m. The vote of approval was unanimous.

David R. Sandifer, Chairman

Deborah (Debby) Gore, Clerk to the Board